

## **REMARKS**

The Office Action dated April 18, 2008, has been received and carefully noted. The above amendments to the drawings, abstract and claims, and the following remarks, are submitted as a full and complete response thereto.

### **Status of the Claims**

Claims 20-30, 32 and 34-38 have been amended to more particularly point out and distinctly claim the subject matter of the invention. New claims 39-62 have been added. No new matter has been added. Thus, claims 20-62 are currently pending in the application and are respectfully submitted for consideration.

### **Allowable Subject Matter**

Applicant notes that claims 24, 26 and 28-35 were not rejected on art-based grounds. Because no art-based rejections were presented for these claims, Applicant presumes that these claims are allowable. If the Examiner decides to reject these claims under art-based grounds, Applicant respectfully requests that the Examiner provide an appropriate indication as to the disposition of these claims with respect to any art-based rejection(s) in the next Office Action. Applicant respectfully points out that any art-based rejection of these claims would be presented for the first time in the next Office Action. As such, the next Action cannot be made final if any art-based rejection is presented for the above claims (see 37 C.F.R. § 1.113).

## **Drawings**

The Office Action objected to Figs. 1 and 2 of the drawings on page 2. Specifically, the Office Action stated that “[f]igures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.” Figs. 1 and 2 have been amended in the respective enclosed Replacement Sheets to contain the legend “Related Art”.

Accordingly, it is respectfully submitted that the objection is overcome and respectfully requested that the objection be withdrawn.

## **Abstract**

The abstract was objected to “because is not in a separate page and it reads like a claim” (see page 2, of the Office Action). The abstract has been amended herein for clarification. However, with respect to the Abstract not being listed on a separate page, Applicant notes that the MPEP states that such an objection “should not be used during the national stage prosecution of international applications (“371 applications”) if an abstract was published with the international application under PCT Article 21”, which is the case here (see MPEP § 608.01(b), Examiner Note 1 for ¶ 6.16.01).

Accordingly, it is respectfully submitted that the objection is overcome and respectfully requested that the objection be withdrawn.

## **Objections to the Claims**

Claims 20-38 were objected to as containing optional language. Specifically, the Office Action stated on page 3 that claim language following the phrase “‘adapting’

and/or ‘adapted’” will not be considered. Independent claims 20 and 36 have been amended herein to remove recitations of “adapt” and “adapting”.

Accordingly, it is respectfully submitted that the objection is overcome and respectfully requested that the objection be withdrawn.

#### **Rejection under 35 U.S.C. § 112**

Claims 20-38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action stated on page 3 that “since no function is specified by the word(s) preceding ‘means’, it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph.” Applicant did not intend for claim 20 and its dependents to be interpreted as means-plus-function claims. Accordingly, the recitations of “means” have been removed from these claims. In claims 36-38, the types of means are properly recited.

Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

#### **Rejection under 35 U.S.C. § 102**

Claims 20-23, 25, 27 and 36-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Benedyk et al. (U.S. Patent No. 6,990,089). The Office Action took the position on pages 4-6 that Benedyk et al. discloses all of the features of the rejected claims. Applicant respectfully submits that Benedyk et al. fails to disclose or suggest all of the features of the presently pending claims. Reconsideration of the claims is respectfully requested.

Independent claim 20, from which claims 21-35 depend, recites a method including receiving an application level message from a sender application process to an access network signaling process, encapsulating the application level message in a signaling message of an access network, and transmitting the encapsulated application level message to a network node by transmitting the signaling message. The application level message includes an indication of conditions to deliver the signaling message.

Independent claim 36, from which claims 37 and 38 depend, recites an apparatus including receiving means for receiving an application level message from a sender application process to an access network signaling process, encapsulating means for encapsulating the application level message in a signaling message of an access network, and transmitting means for transmitting the encapsulated application level message to a network node. The application level message includes an indication of conditions to deliver the signaling message.

As will be discussed below, Benedyk et al. fails to disclose or suggest the features of the presently pending claims.

Benedyk et al. generally discusses “a gateway that routes and translates messages between a core network and a radio network controller that simplifies core network elements” (column 1, lines 10-13). “[A] gateway ... translates between conventional core network protocols such as MTP3B, SSCF-NNI, SSCOP, AAL5, and ATM and a universal protocol, such as SS7 SCCP-User Adaptation Layer (SUA) over stream control protocol/Internet protocol (SCTP/IP)” (column 2, lines 36-40, of Benedyk et al.). A

“RAN gateway 304 encapsulates the application part component of the RAN messages within an SS7 SCCP User Adaptation (SUA) or SS7 MTP3 User Adaptation (M3UA) wrapper” (column 4, lines 27-30, of Benedyk et al.).

Claim 20 recites, in part, that “said application level message comprises an indication of conditions to deliver the signaling message.” Claim 36, which has its own scope, recites similar features. The Office Action stated that column 4, lines 46-48, of Benedyk et al. disclose these features. Specifically, the Office Action stated on page 5 that “the RAN gateway will deliver the message in the conditions of receiving ATM; to reduce the need for ATM”. Applicant respectfully submits that Benedyk et al. fails to disclose or suggest these features.

The cited section of Benedyk et al. generally discusses that “[t]he main function of RAN gateway 304 is to reduce the need for ATM, SSCF, SSCOP and MTP3 functionality in core network 302” (column 4, lines 46-48). To achieve this, the “RAN gateway 304 also strips the lower level ATM-based protocol information from messages received from RNCs 306 and replaces this lower level protocol content with a universal protocol, such as SCTP/IP or TCP/IP” (see column 4, lines 36-39, of Benedyk et al.). The “ATM-based RAN signaling messages ... include an application part from a RAN network controller (RNC) node” (column 4, lines 25-27, of Benedyk et al.).

As is explicitly discussed in Benedyk et al., lower level ATM-based protocol information is stripped from messages received from RNCs. However, claim 20 recites that the application level message includes an indication of conditions to deliver the

signaling message. Benedyk et al. is silent as to an application message that includes **conditions** for delivering a signaling message, as claimed. Rather, Benedyk et al. merely discusses that lower level protocol information, such as ATM-based protocol information, is replaced with a universal protocol. In fact, it does not appear that the content of the application part in Benedyk et al. includes any indications based on the discussion thereof.

Claims 21-23, 25, 27, 37 and 38 depend from claims 20 or 36 and add further features thereto. Thus, the arguments above with respect to the independent claims also apply to the dependent claims.

Further, with respect to claim 25, the claim recites that “said method is implemented in a call establishment procedure for a voice over the internet protocol.” The Office Action stated on page 5 that the “media gateway controller [of Benedyk et al.] provides VOIP”. However, while Benedyk et al. briefly mentions “media gateway controllers”, no discussion is provided in Benedyk et al. as to what protocols such controllers may support. As such, Applicant respectfully submits that Benedyk et al. fails to disclose these features. If the Examiner continues to believe that media gateway controllers support voice over internet protocol, Applicant respectfully requests that the Examiner provide a reference and a specific citation in the next Office Action.

With respect to claims 27 and 38, claim 27 recites that “said application server is one of the group comprising a proxy call state control function, a push proxy server, and an instant message server.” Claim 38, which has its own scope, recites similar features.

The Office Action stated on page 6 that the RNC in Fig. 3 of Benedyk et al. discloses these features, without providing reasoning. However, no discussion is provided in Benedyk et al. that the “RNC” may be any of the types enumerated in claim 27. As such, Applicant respectfully submits that Benedyk et al. fails to disclose these features. If the Examiner continues to believe that the RNC of Benedyk et al. may take the forms recited in the claims, Applicant respectfully requests that the Examiner provide a reference and a specific citation in the next Office Action.

Per the above, Benedyk et al. fails to disclose or suggest the features of the above-rejected claims. Accordingly, it is respectfully submitted that the rejection is overcome and respectfully requested that the rejection be withdrawn.

### **New Claims**

New claims 39-62 have been added. Support for the claims is found, for example, in Fig. 3 and page 7, line 7, through page 9, line 21, of the application. Independent claim 39, from which claims 40-45 depend, recites “interpreting, from the encapsulated application level message, an address and conditions to send the encapsulated application level message”, “extracting content from the encapsulated application level message”, and “forwarding the extracted content to an application server in accordance with one or more of the interpreted address, a packet data protocol context and an access point name configuration.” Apparatus claims 46-52, which each have their own scope, recite similar features to method claims 39-45, respectively. New claims 53-62, which each have their own scope, recite similar features to other claims in the claim set.

Nothing is cited or found in Benedyk et al. that discloses or suggests the features of the newly added claims. For example, Benedyk et al. does not disclose interpreting to which address and under what conditions the encapsulated application level message should be sent from the encapsulated application level message, as claimed. Rather, Benedyk et al. merely discusses that lower level protocol information, such as ATM-based protocol information, is replaced with a universal protocol.

Accordingly, for at least the reasons presented above, it is respectfully submitted that the new claims patentably distinguish over the cited art.

### **Conclusion**

For at least the reasons presented above, it is respectfully submitted that claims 20-62, comprising all of the currently pending claims, patentably distinguish over the cited art. Accordingly, it is respectfully requested that the claims be allowed and the application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: Replacement Sheets for Figs. 1 and 2  
Petition for Extension of Time  
Additional Claim Fee Transmittal